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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/839,000
Filing Date: April 21, 2001
Appellant(s): NAKANO ET AL.

John L. Rogitz
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 23, 2006 appealing from the Office action mailed December 19, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

09/834,511, 09/840,32,7 09/840,437

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,745,223	NOBAKHT ET AL	6-2004
5,978,828	GREER ET AL	11-1999

6,144,402

NORSWORTHY ET AL

11-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 7-12, are rejected under 35 U.S.C. 102(e) as being unpatentable over Nobakht et al (US 6,745,223).

Regarding claim 7, Nobakht teaches an interactive television (I-W), comprising: a housing (See Fig. 1 Solid lines around Television 132 and Col. 4 lines 23-47), a television tuner in the housing (Televisions inherently have tuners in the housing); a microprocessor (See Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-62); a user input device communicating with the microprocessor (See Fig. 2 Remote Control 202 and Col. 4 lines 48-67, Col. 5 lines 5-62); and a memory system communicating with the microprocessor, the memory system storing user data, the user data being at least partially based on signals received from the user input device, wherein the memory system further stores virtual channels displayable on the I-I-V and the microprocessor accesses the memory system to display a virtual channel in response to user input, a consumer profile being used to tailor virtual channels (See Fig. 3A and Col. 5 lines 63-67, Col. 6 lines 1-2.8, Col. 12 lines 17-38).

Regarding claim 8, Nobakht further comprising a computer communication device connected to the microprocessor and to a computer network, the virtual channels in the memory system being updated in accordance with data received from the

communication device (See Fig. 8 and Col. 14 lines 1 1-67, Col. 15 lines 1-67, Col. 16 lines 1-6).

Regarding claim 9, Nobakht teaches wherein the computer communication device is a modem (See Col. 5 lines 32-44).

Regarding claim 10, Nobakht teaches wherein the virtual channels are Web-based channels (See Col. 5 lines 63-67, Col. 6 lines 1-28).

Regarding claim 11, Nobakht teaches wherein the virtual channels are Web pages (See Col. 5 lines 63-67, Col. 6 lines 1-28).

Regarding claim 12, Nobakht teaches wherein the microprocessor is in the housing or in a set-top box separate from the housing (See Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-62 Microprocessor 210 is in a set-top box). The USPTO considers the applicants "or" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Claims 1, 3-4, 6, 15-20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht et al (US 6,745,223) in view of Greer et al (US 5,978,828).

Regarding claim 1, Nobakht teaches an interactive television (ITV), comprising: a housing (See Fig. 1 Solid lines around Television 132 and Col. 4 lines 23-47); a television tuner in the housing (Televisions inherently have tuners in the housing); a microprocessor associated with the tuner (See Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-62); a user input device communicating with the microprocessor (See Fig.

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2 Remote Control 202 and Col. 4 lines 48-67, Col. 5 lines 5-62); a memory system communicating with the microprocessor (See Fig. 2, Flash 219 and Col. 4 lines 48-67, Col. 5 lines 5-62), the memory system storing user data and virtual channels, the user data being at least partially based on signals received from the user input device (See Col. 5 lines 63-67, Col. 6 lines 1-28); and a computer communication device connected to the microprocessor and to a computer network (See Fig. 2 Communications Port 217 Col. 4 lines 48-67, Col. 5 lines 5-62), the virtual channels in the memory system being updated in accordance with data received from the communication device, the virtual channels being established at least partially based on the user data (See Fig. 8 and Col. 14 lines 11-67, Col. 15 lines 1-67, Col. 16 lines 1-6), Nobakht fails to disclose wherein in the event of an update, only updated portions of the Web page corresponding to the virtual channel are downloaded. However, systems that store web pages in memory that have the capability of automatically detecting and downloading only updated portions of a stored web page are well known in the art as taught by Greer (See Col. 3 lines 14-23, 49-57, Col. 7 lines 20-67). Thus, in view of Greer it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nobakht web pages where cached and that in the event of an update, only updated portions of the Web page corresponding to the virtual channel are downloaded in order to provide the user with the most updated information of a web page in cache (See Greer Col. 1 lines 10-47).

Regarding claim 3, Nobakht in view of Greer teaches wherein the virtual channels are Web pages (See Nobakht Col. 5 lines 63-67, Col. 6 lines 1-28).

Regarding claim 4, Nobakht in view of Greer teaches wherein the microprocessor is in the housing or in a set-top box separate from the housing (See Nobakht Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-62 Microprocessor 210 is in a set-top box). The USPTO considers the applicants "or" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Regarding claim 6, Nobakht in view of Greer teaches the ITV further comprising an electronic channel guide displayed on the ITV, the virtual channels being listed by channel number and by name on the electronic channel guide (See Nobakht Col. 16 lines 7-26).

Regarding Claim 15, Nobakht in view of Greer teaches an interactive television (ITV), comprising: a housing (See Fig. 1 Solid lines around Television 132 and Col. 4 lines 23-47); a television tuner in the housing (Televisions inherently have tuners in the housing, a microprocessor (See Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-62); a user input device communicating with the microprocessor (See Fig. 2 Remote Control 202 and Col. 4 lines 48-67, Col. 5 lines 5-62); a memory system communicating with the microprocessor, the memory system storing virtual channels (See Fig. 2, Flash 219 and Col. 4 lines 48-67, Col. 5 lines 5-67, Col. 6 lines 1-28); and a computer communication device connected to the microprocessor and to a computer network (See Fig. 2 Communications Port 217 Col. 4 lines 48-67, Col. 5 lines 5-62), the identity of the virtual channels being established based at least in part on user profile information received from a user (See Fig. 3(A) and Col. 5 lines 63-67, Col. 6 lines 1-

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28). Nobakht fails to disclose wherein the microprocessor, responsive to update information from a Web server associated with at least one virtual channel in the memory system, determines whether the memory system stores a latest version of the virtual channel and if so causes at least updated portions of a Web page associated with the virtual channel automatically to be downloaded. However, systems that store web pages in memory that have the capability of automatically detecting and downloading only updated portions of a stored web page are well known in the art as taught by Greer (See Col. 3 lines 14-23, 49-57, Col. 7 lines 20-67). Thus, in view of Greer it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nobakht to have the microprocessor, responsive to update information from a Web server associated with at least one virtual channel in the memory system, determines whether the memory system stores a latest version of the virtual channel and if so causes at least updated portions of a Web page associated with the virtual channel automatically to be downloaded in order to provide the user with the most updated information of a web page in cache (See Greer Col. 1 lines 10-47).

Regarding claim 16, Nobakht in view of Greer teaches wherein the microprocessor accesses the memory system to display a virtual channel in response to user input (See Nobakht Col. 16 lines 7-26).

Regarding claim 17, Nobakht in view of Greer teaches wherein the memory system stores user data, the user data being at least partially based on signals received from the user input device (See Nobakht Col. 5 lines 63-67, Col. 6 lines 1-28).

Regarding claim 18, Nobakht in view of Greer teaches wherein the computer communication device is a modem (See Nobakht Col. 5 lines 32-44).

Regarding claim 19, Nobakht in view of Greer teaches wherein the virtual channels are Web-based channels (See Nobakht Col. 5 lines 63-67, Col. 6 lines 1-28).

Regarding claim 20, Nobakht in view of Greer teaches wherein the virtual channels are Web pages (See Nobakht Col. 5 lines 63-67, Col. 6 lines 1-28).

Regarding claim 22, Nobakht in view of Greer further comprising an electronic channel guide displayed on the ITV, the virtual channels being listed by channel number and by name on the electronic channel guide (See Nobakht Col. 16 lines 7-26).

Claims 5, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht in view Greer and further in view of Norsworthy et al (US 6,144,402).

Regarding claim 5, 21 Nobakht in view of Greer teaches a data bus connected to the microprocessor and memory (See Nobakht Fig. 2 and Col. 5 lines 5-62). Nobakht fails to disclose a data bus communicating with the microprocessor, memory system, and TV tuner. However, data buses communicating with the microprocessor, memory system, and TV tuner are well known in the art as taught by Norsworthy (See Fig. 2 Bus 205 and Col. 7 lines 18-50). Thus, in view of Norsworthy, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nobakht so that there was a data bus communicating with the microprocessor, memory system, and TV tuner to have basic components interconnected (See Norsworthy Col. 7 lines 34-40).

Claims 13-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht in view of Norsworthy et al (US 6,144,402).

Regarding claims 13, Nobakht teaches a data bus connected to the microprocessor and memory (See Fig. 2 and Col. 5 lines 5-62). Nobakht fails to disclose a data bus communicating with the microprocessor, memory system, and TV tuner. However, data buses communicating with the microprocessor, memory system, and TV tuner are well known in the art as taught by Norsworthy (See Fig. 2 Bus 205 and Col. 7 lines 18-50). Thus, in view of Norsworthy, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nobakht so that there was a data bus communicating with the microprocessor, memory system, and TV tuner to have basic components interconnected (See Norsworthy Col. 7 lines 34-40).

Regarding claim 14, Nobakht modified with Norsworthy teaches the I-IV further comprising an electronic channel guide displayed on the IW, the virtual channels being listed by channel number and by name on the electronic channel guide (See Nobakht Col. 16 lines 7-26).

(10) Response to Argument

Regarding Claim 7, the appellant argues, "Nobakht et al nowhere teaches tailoring virtual channels to a consumer profile as recited in Claim 7. Instead, user validity is tested for access to a virtual channel table but the table itself, and the channels therein, are not established in accordance with user profiles. The user either has access to a pre-selected table of virtual channels or he doesn't" (Page 4, a).

In response to the appellant's argument, Nobakht discloses a registered user with two channel tables and each channel table corresponds to a number of users (Column 6, lines 1-4, Figure 3A). Nobakht discloses that the user (parent or adult administrator) assign parental control codes to particular virtual channels or Internet sites which can allow an adult user to restrict the Internet site for a younger user (Column 6, lines 8-28). The tailoring of virtual channels to a consumer profile is equivalent to restricting consumers including a child from viewing virtual channels. For instance, a parent can tailor virtual channels to allow the viewing of virtual channels with weather information based on a consumer profile (the consumer allowing a younger viewer to watch) (Figure 3A) or tailor virtual channels to restrict the viewing of virtual channels with adult content based on a consumer profile (the consumer not allowing a younger viewer to watch) (Figure 3A) by choosing particular Web pages. Nobakht meets the claimed limitation of "a consumer profile being used to tailor virtual channels."

Alternatively, Nobakht discloses the server contains channel tables with parental guidance codes similar to rating of movies such as G or PG (Figure 5A, Rating). Nobakht discloses that a user terminal administrator can control the virtual channel access via tailoring or restricting access to sites rated PG or G (Column 9, lines 21-22). Note: Nobakht discloses that parental control codes can be used allow a parent to restrict virtual channels (Column 6, lines 12-14). For instance, a parent can tailor virtual channels to allow the viewing of virtual channels for a program with weather information based on a consumer profile, which is rated G, or tailor virtual channels to restrict the

viewing of virtual channels with adult content based on a consumer profile such as ambulance service, which is rated R (Figure 5A) by choosing particular codes.

Regarding Claim 1, the appellant argues, "Greer et al does not download only changed portions of web pages. Instead it generates an alert when a web page changed beyond a threshold, but the entire page is downloaded, col. 3, lines 18-19. There appears to be no suggestion in Greer et al. that only the changed portions of the page be downloaded" (Page 4, b). Appellant argues that Greer does not teach, "only updated portions of the page be downloaded all the time" (Page 5).

In response to the appellant's argument, first of all, the claim does not disclose that the updated portions of the Web page be downloaded all the time only that updated portions are downloaded. The Applicant's specification discloses, "the virtual channels are periodically updated" (Page 11). Greer discloses that the updated portions of the Web page can be downloaded periodically (Column 7, lines 63-67, Figure 9, 940).

Greer discloses an entire Web page (Figure 9, 602) to which a global quotient (quantitative assessment of changes or updates to the Web page) can be applied to determine when to download the entire Web page. Greer further discloses that there are objects on a Web page such as text, advertisements, frames, sound clips, multimedia (Column 3, lines 24-30, Figure 4). Greer discloses that there can be changes to the objects of a Web page or the Web page as whole (Figure 9, Figure 10). Greer discloses that a user can establish in the event of an update to a Web Page via a user changeable value of a object quotient (quantitative assessment of changes to the object) to update the object or that only updated portions of a Web page are

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downloaded (Column 7, lines 33-50). Greer discloses that a user may tag the Web page for obtaining update information via an object enable box (Figure 9, 620, 622). Greer discloses that the user downloads the object based on the object quotient value (Column 8, lines 53-67). Note: Greer discloses a global quotient value applies to the entire Web page (Column 7, lines 20-32), whereas an object quotient value (Column 7, lines 33-62, Column 8, lines 53-67) applies to a particular object or section of the Web page (Figure 3, Figure 9, 620). The downloading of update information can be automatically (Column 8, lines 53-67) or manually (Column 7, lines 63-65). Since Greer discloses enabling one or more objects including Ad Banner, GIF, Button (Figure 9, 620, Object 1, 2, 3, 4, 5, of 6) of the Web page (Figure 9, 602,), then Greer meets the claimed "only updated portions of a Web page corresponding to a virtual channel are downloaded."

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,




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